

House File 2554 - Enrolled

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HOUSE FILE 2554

AN ACT

PROVIDING MONETARY THRESHOLDS FOR ACTIONS BY GOVERNING
BOARDS OF DRAINAGE DISTRICTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 468.126, subsection 1, paragraph c,
Code 2007, is amended to read as follows:

c. If the estimated cost of a repair exceeds ~~fifteen~~
twenty thousand dollars, or seventy-five percent of the
original total cost of the district and subsequent
improvements, whichever is the greater amount, the board shall
set a date for a hearing on the matter of making the proposed
repairs, and shall give notice as provided in sections 468.14
through 468.18. If a hearing is required and the estimated
cost of the repair exceeds twenty-five thousand dollars, an
engineer's report or a report from the soil and water
conservation district conservationist shall be presented at
the hearing. The requirement of a report may be waived by the
board if a prior report on the repair exists and that report
is less than ten years old. The board shall not divide
proposed repairs into separate programs in order to avoid the
notice and hearing requirements of this paragraph. At the
hearing the board shall hear objections to the feasibility of
the proposed repairs, and following the hearing the board
shall order that the repairs it deems desirable and feasible
be made. Any interested party has the right of appeal from
such orders in the manner provided in this subchapter, parts 1
through 5.

Sec. 2. Section 468.126, subsection 2, Code 2007, is
amended to read as follows:

2. In the case of minor repairs, or in the eradication of
brush and weeds along the open ditches, not in excess of
~~fifteen~~ twenty thousand dollars where the board finds that a
saving to the district will result the board may cause the
repairs or eradication to be done by secondary road fund
equipment, or weed fund equipment, and labor of the county and
then reimburse the secondary road fund or the weed fund from
the fund of the drainage district thus benefited.

Sec. 3. Section 468.126, subsection 4, paragraph a, Code
2007, is amended to read as follows:

a. When the board determines that improvements are
necessary or desirable, the board shall appoint an engineer to
make surveys as seem appropriate to determine the nature and
extent of the needed improvements, and to file a report
showing what improvements are recommended and their estimated
costs, which report may be amended before final action. If
the estimated cost of the improvements does not exceed ~~fifteen~~
twenty thousand dollars, or twenty-five percent of the
original cost of the district and subsequent improvements,
whichever is the greater amount, the board may order the work
done without notice. The board shall not divide proposed
improvements into separate programs in order to avoid the
limitation for making improvements without notice. If the
board deems it desirable to make improvements where the
estimated cost exceeds the ~~fifteen~~ twenty thousand dollar or
twenty-five percent limit, the board shall set a date for a
hearing on the matter of constructing the proposed
improvements and also on the matter of whether there shall be
a reclassification of benefits for the cost of the proposed
improvements, and shall give notice as provided in sections
468.14 through 468.18. At the hearing the board shall hear
objections to the feasibility of the proposed improvements and
arguments for or against a reclassification presented by or
for any taxpayer of the district. Following the hearing the
board shall order that the improvements it deems desirable and
feasible be made, and shall also determine whether there
should be a reclassification of benefits for the cost of
improvements. If it is determined that a reclassification of
benefits should be made, the board shall proceed as provided
in section 468.38. In lieu of publishing the notice of a

3 4 hearing as provided by this subsection, the board may mail a
3 5 copy of the notice to each address where a landowner in the
3 6 district resides by first class mail if the cost of mailing is
3 7 less than publication of the notice. The mailing shall be
3 8 made during the time the notice would otherwise be required to
3 9 be published.

3 10 Sec. 4. Section 468.126, subsection 4, paragraph b, Code
3 11 2007, is amended to read as follows:

3 12 b. If the estimated cost of the improvements as defined in
3 13 this subsection exceeds ~~twenty~~ twenty-five thousand dollars,
3 14 or the original cost of the district plus the cost of
3 15 subsequent improvements in the district, whichever is the
3 16 greater amount, a majority of the landowners, owning in the
3 17 aggregate more than seventy percent of the total land in the
3 18 district, may file a written remonstrance against the proposed
3 19 improvements, at or before the time fixed for hearing on the
3 20 proposed improvements, with the county auditor, or auditors in
3 21 case the district extends into more than one county. If a
3 22 remonstrance is filed, the board shall discontinue and dismiss
3 23 all further proceedings on the proposed improvements and
3 24 charge the costs incurred to date for the proposed
3 25 improvements to the district. Any interested party may appeal
3 26 from such orders in the manner provided in this subchapter,
3 27 parts 1 through 5. However, this section does not affect the
3 28 procedures of section 468.132 covering the common outlet.

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3 33 PATRICK J. MURPHY
3 34 Speaker of the House

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JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2554, Eighty-second General Assembly.

MARK BRANDSGARD
Chief Clerk of the House

Approved _____, 2008

CHESTER J. CULVER
Governor